

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ERICK E. DANIEL,

PLAINTIFF,

V.

KROGER LIMITED PARTNERSHIP I, ET AL.,

DEFENDANTS.

CASE NO. 3:11CV245

KROGER'S MOTION FOR SUMMARY JUDGMENT

COMES NOW Kroger Limited Partnership I ("Kroger") and The Kroger Co. ("Kroger Co."),¹ by counsel, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 56, to submit this Motion for Summary Judgment on the Complaint filed by Erick E. Daniel. In support of this Motion, Kroger and Kroger Co. refer to and incorporate herein by reference the accompanying Memorandum in Support of the Motion for Summary Judgment.

As reflected in the Memorandum, there are no genuine issues of material fact precluding summary judgment in favor of Kroger and Kroger Co., and Kroger and Kroger Co. accordingly respectfully request that this Court grant this Motion for Summary Judgment and dismiss the Complaint, as well as any other relief the Court deems appropriate as a matter of law.

¹ There is no dispute that at all relevant times, Daniel was employed by Kroger Limited Partnership I and not The Kroger Co. The Kroger Co. accordingly requests that it be dismissed from these proceedings.

Dated: September 30, 2011

Respectfully submitted,

KROGER LIMITED PARTNERSHIP I AND THE KROGER CO.

By: /s/
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CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of September, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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